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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,940	01/26/2004	William G. Eberts	03-EDP-283	9304

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Martin J. Moran  
Cutler-Hammer  
Technology & Quality Center  
170 Industry Drive, RIDC Park West  
Pittsburgh, PA 15275-1032

EXAMINER

KLAUS, LISA NHUNG

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/764,940

Applicant(s)

EBERTS ET AL.

Examiner

Lisa N. Klaus

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-20 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/26/04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Whetzel et al. (US 6,710,274).

Whetzel discloses an electrical switch actuator comprising:

- Regarding claim 1 Whetzel discloses :

- the handle-engaging segment 102 structured to securely engage the operating handle 12;
- an interfacing segment 84 structured to receive the connector 102, in order to link the operating handle 12 to the actuator 98 and 100;

- Regarding claim 2 Whetzel discloses :

- the handle-engaging segment 102 includes a member 104, 105, 110 and 112 adapted to slide over the operating handle 12;

- wherein the interfacing segment 84 includes at least one tab 80 and 94 disposed on the member 104, 105, 110 and 112;

- the at least one tab having an opening 94 for receiving the connector 102;

- Regarding claim 3 Whetzel discloses :

- the member 104, 105, 110 and 112 includes at least one handle receiving aperture, wherein at least one handle-receiving aperture includes at least one projection 104, 105 for further securing the operating handle.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whetzel in view of Isaac (US 3,821,532).

Whetzel discloses the invention as claimed above except for the clamping segment.

Isaac discloses a handle extension assembly comprising:

- Regarding claim 6 Isaac discloses :

- a clamping segment 22 having opposing sides for receiving the operating handle therebetween;

- the handle-engaging segment 16 further includes at least one tightening mechanism 30 structured to compress the opposing sides against the operating handle 14 when the at least one tightening mechanism 30 is tightened;

- Regarding claim 7 Isaac discloses :

- at least one tightening mechanism includes a pair of spaced apart fasteners 24 and 40 extending between the opposing sides on either side of the operating handle 14;

- Regarding claim 8 Isaac discloses :

- at least one locking mechanism 16 includes a single fastener 30 extending between the opposing sides of the clamping segment 22 and adjacent the operating handle 14, in order to compress the opposing sides against the operating handle 14 when the single fastener 30 is tightened;

- Regarding claim 9 Isaac discloses :

- at least one of the opposing sides further includes at least one projection 16e structured to further secure the operating handle 14;

- Regarding claim 11 Isaac discloses :

- the member of the handle-engaging segment is a metallic member;

- Regarding claim 12 Isaac discloses :

- the handle-engaging segment 16 includes a molded member with a handle-receiving aperture for receiving the operating handle 14;

- Regarding claim 13 Isaac discloses :

- the mold member 16 includes an opening and a threaded fastener 24 inserted through the opening in order to engage the operating handle 14 when the threaded fastener 24 is tightened, in order to further secure the operating handle 14;

- Regarding claim 14 Isaac discloses :

- the threaded fastener is a set-screw;

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the clamping segment as taught by Isaac with Whetzel's switch for the purpose of keeping the operating handle more secure.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by N. J. Wasileski (US 3,496,320).

Wasileski discloses a manually operable handle mechanism comprising:

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- Regarding claims 15 and 18 Wasileski discloses:

- the switch gear cabinet comprising the interior 21 and external panel 15;
- the first electrical switching apparatus mounted within the interior 21 of the switchgear cabinet;
- the first electrical switching apparatus including a housing and an opening and an operating handle 26 protruding from the opening;
- a second switching apparatus 18 disposed on the external panel 15 of the switchgear cabinet, the second switching apparatus 18 being remote from the first electrical switching apparatus, in order to permit actuation of the operating handle 26 of the first electrical switching apparatus therefrom;
- a connector 37 including a first portion linking the second switching apparatus;
- a handle engaging-segment 16 securely engaging the operating handle 26 of the first electrical switching apparatus;
- the interfacing segment 34 receiving the second portion of the connector, in order to link the operating handle 26 of the first electrical switching apparatus to the second switching apparatus;

- Regarding claim 16 Wasileski discloses:

- the first electrical switching apparatus is a circuit breaker having the operating handle 26 operable between a first position and a second position;
- the operating handle 26 of the circuit breaker is securely engaged within the handle-engaging segment 16 of the operating handle attachment; the second switching apparatus includes an actuating handle 18 disposed at a remote location from the circuit breaker;
- the actuating handle 18 having first ON and second OFF positions corresponding to the first and second positions respectively, of the operating handle 26, and wherein the connector 37

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links the actuating handle 18 to the interfacing segment 16 of the operating handle attachment, thereby permitting remote actuation of the circuit breaker from the remote location.

- Regarding claim 19 Wasileski discloses:

- the first electrical switching apparatus is a circuit breaker having the operating handle 26 operable between a first position and a second position;

- wherein the operating handle of the circuit breaker is securely engaged within the handle-engaging segment 16 of the operating handle attachment ;

- the second switching apparatus includes an actuating handle 18 having first ON and second OFF positions corresponding to the first and second positions, respectively of the operating handle 26;

- the actuating handle 18 being disposed on the external panel 15 of the switchgear cabinet and remote from the circuit breaker; and wherein the connector 37 links the actuating handle 18 to the interfacing segment of the operating handle attachment, thereby permitting remote actuation of the circuit breaker within the interior of the switchgear cabinet from the remote location on the external panel of the switchgear cabinet;

- Regarding claim 17 and 20 Wasileski discloses:

- wherein the interfacing segment 34 of the operating handle attachment includes an aperture receiving the connector 37 therein;

- wherein the actuating handle 18 includes a connector tab 37 extending through the external panel 15 of the switchgear cabinet into the switchgear cabinet;

- the connector 37 is a rod having a first end coupled to the connector tab of the actuating handle 18 and a second end coupled to the aperture of the interfacing segment 34 of the operating handle attachment.

***Allowable Subject Matter***

4. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or suggest the operating handle attachment comprising the handle-receiving aperture is a pair of opposing apertures, and at least one projection is a plurality of serrations disposed on one of the apertures.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


***Conclusion***

5. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571)272-1993, and whose fax number is 703-872-9306. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571)272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

March 23, 2005



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08/18/05